

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHARLENE SHELTON, on her own behalf and on behalf :  
of all others similarly situated, :

Case No.: 07 CIV. 7970

Plaintiff,

- against -

MCKENNA, DUPONT, HIGGINS & STONE, P.C.

Defendant.

X **ANSWER**

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Defendant MCKENNA, DUPONT, HIGGINS & STONE, P.C. by and through its attorneys,  
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, hereby responds to the  
allegations contained in plaintiff's Complaint, as follows:

**PRELIMINARY STATEMENT**

FIRST: Denies the truth of each and every allegation contained in paragraph  
"1" of plaintiff's Complaint, and in addition, respectfully refers all questions of law to the court for  
judicial determination.

**JURISDICTION AND VENUE**

SECOND: Admits the allegations contained in paragraph "2" of plaintiff's  
Complaint.

THIRD: Admits the allegations contained in paragraph "3" of plaintiff's  
Complaint.

**PARTIES**

FOURTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of plaintiff's Complaint, and in addition, states that the contents of the document referenced therein speaks for itself.

FIFTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of plaintiff's Complaint, except admits that Defendant McKenna, Dupont, Higgins & Stone, P.C. is a New Jersey professional corporation with an office located at 229 Broad Street, Red Bank, New Jersey, 07653.

**CLASS ACTION ALLEGATIONS**

SIXTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of plaintiff's Complaint, and in addition, refers all questions of law to the court for judicial determination and states that the contents of the document referenced therein speaks for itself.

SEVENTH: Denies the truth of each and every allegation contained in paragraph "7" of plaintiff's Complaint.

EIGHTH: Denies the truth of each and every allegation contained in paragraph "8" of plaintiff's Complaint.

NINTH: Denies the truth of each and every allegation contained in paragraph "9" of plaintiff's Complaint.

TENTH: Denies the truth of each and every allegation contained in paragraph "10" of plaintiff's Complaint.

ELEVENTH: Denies the truth of each and every allegation contained in paragraph "11" of plaintiff's Complaint.

TWELFTH: Denies the truth of each and every allegation contained in paragraph "12" of plaintiff's Complaint.

THIRTEENTH: Denies the truth of each and every allegation contained in paragraph "13" of plaintiff's Complaint.

FOURTEENTH: Denies the truth of each and every allegation contained in paragraph "14" of plaintiff's Complaint.

**STATEMENT OF FACTS**

FIFTEENTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "15" of plaintiff's Complaint, and in addition, states that the contents of the document referenced therein speaks for itself.

**AS AND FOR PLAINTIFF'S FIRST CAUSE OF ACTION**

SIXTEENTH: Answering Defendant repeats and reiterates each and every denial, and denial made upon information and belief, asserted in response to paragraphs "1" to "16" of plaintiff's Complaint, as if each were repeated verbatim at length herein.

SEVENTEENTH: Denies the truth of each and every allegation contained in paragraph "17" of plaintiff's Complaint.

EIGHTEENTH: Denies the truth of each and every allegation contained in paragraph "18" of plaintiff's Complaint.

**AS AND FOR DEFENDANT'S FIRST AFFIRMATIVE DEFENSE**

NINETEENTH: Upon information and belief, plaintiff's Complaint fails to state a valid cause of action against the Defendant.

**AS AND FOR DEFENDANT'S SECOND AFFIRMATIVE DEFENSE**

TWENTIETH: Defendant Denies any violation of the FDCPA, the Defendant's actions are not actionable because any purported violation of the FDCPA was unintentional or a result of a bona fide error.

**AS AND FOR DEFENDANT'S THIRD AFFIRMATIVE DEFENSE**

TWENTYFIRST: Plaintiff lacks the capacity to maintain this purported claim against the Defendant.

**WHEREFORE**, answering Defendant MCKENNA, DUPONT, HIGGINS & STONE, P.C. demands judgment dismissing plaintiff's Complaint and each claim for relief contained therein in its entirety, together with such other and further relief as this Court deems just and proper, including costs and expenses.

Dated: New York, New York  
November 7, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

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TO: Kleinmann LLC  
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